

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED

MAY 30 2017


CLERK

TRAVIS RAY MCPEEK,

Plaintiff,

vs.

UNKNOWN PENNINGTON COUNTY
OFFICERS, SGT. CASS, JAIL
ADMINISTRATOR PAYER,

Defendants.

4:17-CV-04015-RAL

OPINION AND ORDER DENYING
MOTION TO APPOINT COUNSEL

Plaintiff Travis R. McPeck ("McPeck"), an inmate at the Yankton County Jail in Yankton, South Dakota, filed this lawsuit pursuant to 42 U.S.C. § 1983 and amended his complaint. Doc. 1; Doc. 8. McPeck now moves this Court to appoint him counsel. Doc. 25.

"A pro se litigant has no statutory or constitutional right to have counsel appointed in a civil case." *Stevens v. Redwing*, 146 F.3d 538, 546 (8th Cir. 1998). In determining whether to appoint counsel to a pro se litigant's civil case, the district court considers the complexity of the case, the ability of the litigant to investigate the facts, the existence of conflicting testimony, and the litigant's ability to present his claim. *Id.* McPeck's claims are not complex, and he appears able to adequately present his § 1983 claims at this stage of the case. Therefore, his motion is denied.

Accordingly, it is

ORDERED that McPeek's motion to appoint counsel (Doc. 25) is denied.

Dated May 30th, 2017.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "Roberto A. Lange", is written over a horizontal line.

ROBERTO A. LANGE
UNITED STATES DISTRICT JUDGE